

11002 U.S. PRO
10/033689
12/28/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BERNARD H. ANDREAS et al.

Application No.: 08/883,246

Filed: June 26, 1997

For: DEVICE AND METHOD FOR
SUTURING TISSUE

Examiner: JACKSON, G.

Art Unit: 3731

PETITION UNDER 37 CFR §1.48 TO
CHANGE INVENTORSHIP

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We, ENRIQUE J. KLEIN, T. DANIEL GROSS, and TOMOAKI HINOHARA,
declare as follows.

We petition to be included as inventors on the above-referenced patent application.
Our omission as inventors on the application as originally filed was made without deceptive
intention on our parts.

We further declare that all statements made herein of our knowledge are true and
that all statements made on information and belief are believed to be true; and further that these
statements were made with knowledge that willful false statements and the like so made are
punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States
Code and that such willful false statements may jeopardize the validity of the application or any
patent issuing thereon.

Date: _____

Enrique J. Klein

Date: 11 APRIL 2001

T. Daniel Gross

Date: 13 April 2001

Tomoaki Hinohara

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BERNARD H. ANDREAS et al.

Application No.: 08/883,246

Filed: June 26, 1997

For: DEVICE AND METHOD FOR
SUTURING TISSUE

Examiner: JACKSON, G.

Art Unit: 3731

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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declare as follows.

We petition to be included as inventors on the above-referenced patent application.
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statements were made with knowledge that willful false statements and the like so made are
punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States
Code and that such willful false statements may jeopardize the validity of the application or any
patent issuing thereon.

Date:

April 6, 2001

Enrique J. Klein
Enrique J. Klein

Date: _____

T. Daniel Gross

Date: _____

Tomoaki Hinohara

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BERNARD H. ANDREAS et al.

Application No.: 08/883,246

Filed: June 26, 1997

For: DEVICE AND METHOD FOR
SUTURING TISSUE

Examiner: JACKSON, G.

Art Unit: 3731

CONSENT OF ASSIGNEE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, on behalf of the Assignee of the entire interest in the above-referenced patent application, hereby consents to the addition of ENRIQUE J. KLEIN, T. DANIEL GROSS, and TOMOAKI HINOHARA, as inventors on the above-referenced patent application.

PERCLOSE, INC.

Date: 8/6/01

Signature: Randall W. Senter

Print Name RANDALL W. SENTER

Title: VP R&D

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **DEVICE AND METHOD FOR SUTURING TISSUE** the specification of which ____ is attached hereto or **X** was filed on June 26, 1997 as Application No. 08/883,246 and was amended on _____ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.



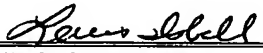

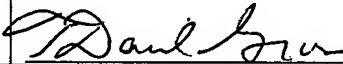
I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
07/989,611	12/10/1992	Issued as 5,417,699
08/252,124	06/01/1994	Issued as 5,613,974
08/259,410	06/14/1994	Issued as 5,779,719
08/824,031	03/26, 1997	Allowed

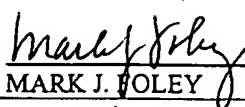
Full Name of Inventor I:	Last Name: ANDREAS	First Name: BERNARD	Middle Name or Initial: H.
Residence & Citizenship:	City: Redwood City	State/Foreign Country: California	Country of Citizenship: United States
Post Office Address:	Post Office Address: 33168 Lake Superior Place	City: Redwood City	State/Country: California
			Postal Code: 94063

Full Name of Inventor 2:	Last Name: BARRETT	First Name: MICHAEL	Middle Name or Initial:	
Residence & Citizenship:	City: Campbell	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 677 Kenneth Avenue	City: Campbell	State/Country: California	Postal Code: 95008
Full Name of Inventor 3:	Last Name: FOLEY	First Name: MARK	Middle Name or Initial: J.	
Residence & Citizenship:	City: Menlo Park	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 1151 Hobart Street	City: Menlo Park	State/Country: California	Postal Code: 94304
Full Name of Inventor 4:	Last Name: GORE	First Name: BRIAN	Middle Name or Initial:	
Residence & Citizenship:	City: Orlando	State/Foreign Country: Florida	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 6555 Whirlaway Circle	City: Orlando	State/Country: Florida	Postal Code: 32818
Full Name of Inventor 5:	Last Name: ISBELL	First Name: LEWIS	Middle Name or Initial:	
Residence & Citizenship:	City: Union City	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 34800 Hollyhock Street	City: Union City	State/Country: California	Postal Code: 94587
Full Name of Inventor 6:	Last Name: SONGER	First Name: RONALD	Middle Name or Initial: W.	
Residence & Citizenship:	City: San Jose	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 3536 Pleasant Crest Drive	City: San Jose	State/Country: California	Postal Code: 95148
Full Name of Inventor 7:	Last Name: VETTER	First Name: JAMES	Middle Name or Initial: W.	
Residence & Citizenship:	City: Portola Valley	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 275 Willowbrook	City: Portola Valley	State/Country: California	Postal Code: 94028
Full Name of Inventor 8:	Last Name: KLEIN	First Name: ENRIQUE	Middle Name or Initial: J.	
Residence & Citizenship:	City: Los Altos	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 1686 Christina Drive	City: Los Altos	State/Country: California	Postal Code: 94024
Full Name of Inventor 9:	Last Name: GROSS	First Name: T. DANIEL	Middle Name or Initial:	
Residence & Citizenship:	City: Los Gatos	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 200 Kimble Avenue	City: Los Gatos	State/Country: California	Postal Code: 95032
Full Name of Inventor 2:	Last Name: HINOHARA	First Name: TOMOAKI	Middle Name or Initial:	
Residence & Citizenship:	City: Portola Valley	State/Foreign Country: California	Country of Citizenship: Japan	
Post Office Address:	Post Office Address: 40 Los Charros	City: Portola Valley	State/Country: California	Postal Code: 94028

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  BERNARD H. ANDREAS	Signature of Inventor 2  MICHAEL BARRETT	Signature of Inventor 3 MARK J. FOLEY
Date 3/2/00	Date	Date
Signature of Inventor 4 BRIAN GORE	Signature of Inventor 5  LEWIS ISBELL	Signature of Inventor 6  RONALD W. SONGER
Date	Date 3-2-00	Date 3/2/00
Signature of Inventor 7 JAMES W. VETTER	Signature of Inventor 8 ENRIQUE J. KLEIN	Signature of Inventor 9  T. DANIEL GROSS
Date	Date	Date 2 MAR 00
Signature of Inventor 10 TOMOAKI HINOHARA		
Date		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 BERNARD H. ANDREAS Date	Signature of Inventor 2 MICHAEL BARRETT Date	Signature of Inventor 3  MARK J. FOLEY Date 4/20/01
Signature of Inventor 4 BRIAN GORE Date	Signature of Inventor 5 LEWIS ISBELL Date	Signature of Inventor 6 RONALD W. SONGER Date
Signature of Inventor 7 JAMES W. VETTER Date	Signature of Inventor 8 ENRIQUE J. KLEIN Date	Signature of Inventor 9 T. DANIEL GROSS Date
Signature of Inventor 10 TOMOAKI HINOHARA Date		

Type a plus sign (+) inside this box → +

PTO/SB/04 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**SUPPLEMENTAL
DECLARATION FOR UTILITY
OR DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Attorney Docket Number	033297-016
First Named Inventor	BERNARD ANDREAS et al.
COMPLETE IF KNOWN	
Application Number	08/883,246
Filing Date	June 26, 1997
Group Art Unit	3731
Examiner Name	JACKSON, G.

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DEVICE AND METHOD FOR SUTURING TISSUE

the specification of which (Title of the Invention)

☒ is attached hereto.

OR

☐ was filed on (MM/DD/YYYY) as United States Application Number or PCT International

Application Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby declare that the subject matter of the ☒ attached amendment ☐ amendment filed on was part of my or our invention and was invented before the filing date of the original application, above identified for such invention.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the natural or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B is attached hereto
07/989,611	12/10/1992	
08/252,124	06/01/1994	
08/259,410	06/14/1994	
08/824,031	03/26/1997	

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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DECLARATION**ADDITIONAL INVENTOR(S)**
Supplemental Sheet
Page 4 of 5

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
RONALD W.		SONGER	
Inventor's Signature		Date	
Residence: City San Jose	State CA	Country USA	Citizenship US
Mailing Address 3536 Pleasant Crest Drive			
Mailing Address			
City San Jose	State CA	ZIP 95148	Country USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
JAMES W.		VETTER	
Inventor's Signature		Date	
Residence: City Portola Valley	State CA	Country USA	Citizenship US
Mailing Address 275 Willowbrook			
Mailing Address			
City Portola Valley	State CA	ZIP 94028	Country USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
ENRIQUE J.		KLEIN	
Inventor's Signature		Date	
<i>Enrique J. Klein</i>		<i>April 6, 2001</i>	
Residence: City Los Altos	State CA	Country USA	Citizenship US
Mailing Address 1686 Christina Drive			
Mailing Address			
City Los Altos	State CA	ZIP 94024	Country USA

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PA 3136323 v1

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PTO/SB/04 (10-00)

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SUPPLEMENTAL DECLARATION – UTILITY OR DESIGN PATENT APPLICATION

Direct all correspondence to:		<input checked="" type="checkbox"/> Customer Number or Bar Code Label		20350		OR		<input type="checkbox"/> Correspondence address below	
Name									
Address									
Address									
City				State		ZIP			
Country			Telephone				Fax		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.									
NAME OF SOLE OR FIRST INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name BERNARD H				Family Name or Surname ANDREAS					
Inventor's Signature <i>Bernard H. Andreas</i>						Date 4/12/01			
Residence: City Redwood City			State CA		Country USA		Citizenship US		
Mailing Address 33168 Lake Superior Place.									
Mailing Address									
City Redwood City			State CA		ZIP 94063		Country USA		
NAME OF SECOND INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name MICHAEL				Family Name or Surname BARRETT					
Inventor's Signature <i>Michael Barrett</i>						Date 4/12/2001			
Residence: City Campbell			State CA		Country USA		Citizenship US		
Mailing Address 677 Kenneth Avenue									
Mailing Address									
City Campbell			State CA		ZIP 95008		Country USA		
<input checked="" type="checkbox"/> Additional Inventors are being named on the attached supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.									

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Page 3 of 5

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Given Name (first and middle [if any])		Family Name or Surname	
MARK J.		FOLEY	
Inventor's Signature		Date	
Residence: City Menlo Park	State CA	Country USA	Citizenship US
Mailing Address 1151 Hobart Street			
Mailing Address			
City Menlo Park	State CA	ZIP 94304	Country USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
BRIAN		GORE	
Inventor's Signature		Date	
Residence: City Orlando	State FL	Country USA	Citizenship US
Mailing Address 6555 Whirlaway Circle			
Mailing Address			
City Orlando	State FL	ZIP 32818	Country USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
LEWIS		ISELL	
Inventor's Signature <i>Paul Isbell</i>		Date 4-16-01	
Residence: City Union City	State CA	Country USA	Citizenship US
Mailing Address 34800 Hollyhock Street			
Mailing Address			
City Union City	State CA	ZIP 94587	Country USA

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Page 4 of 5

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Given Name (first and middle (if any))		Family Name or Surname	
RONALD W.		SONGER	
Inventor's Signature <i>Ronald W. Songer</i>		Date 4-11-01	
Residence: City San Jose	State CA	Country USA	Citizenship US
Mailing Address 3536 Pleasant Crest Drive			
Mailing Address			
City San Jose	State CA	ZIP 95148	Country USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
JAMES W.		VETTER	
Inventor's Signature <i>James W. Vetter</i>		Date 4/20/01	
Residence: City Portola Valley	State CA	Country USA	Citizenship US
Mailing Address 275 Willowbrook			
Mailing Address			
City Portola Valley	State CA	ZIP 94028	Country USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
ENRIQUE J.		KLEIN	
Inventor's Signature		Date	
Residence: City Los Altos	State CA	Country USA	Citizenship US
Mailing Address 1686 Christina Drive			
Mailing Address			
City Los Altos	State CA	ZIP 94024	Country USA

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PA 3136323 v1

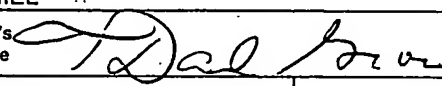
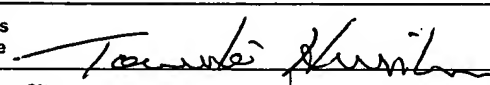
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DECLARATION**ADDITIONAL INVENTOR(S)**
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Page 5 of 5

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
T. DANIEL		GROSS	
Inventor's Signature 		Date 11 APRIL 2001	
Residence: City Los Gatos	State CA	Country USA	Citizenship US
Mailing Address 200 Kimble Avenue			
Mailing Address			
City Los Gatos	State CA	ZIP 95032	Country USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
TOMOAKI		HINOHARA	
Inventor's Signature 		Date 13 April 2001	
Residence: City Portola Valley	State CA	Country USA	Citizenship
Mailing Address 40 Los Charros			
Mailing Address			
City Portola Valley	State CA	ZIP 94028	Country USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	ZIP	Country

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PA 3136326 v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

11002 U.S. PTO
10/033689
12/28/01

In re application of:

BERNARD ANDREAS et al.

Application No.: 08/883,246

Filed: June 26, 1997

For: DEVICE AND METHOD FOR
SUTURING TISSUE

Examiner: JACKSON, G.

Art Unit: 3731

PETITION UNDER 37 CFR §1.47

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The above-referenced patent application claims priority back to Application No. 07/989,611, filed on December 10, 1992. As is described in the Amendment mailed on April 23, 2001, Applicants are filing a separate Petition to Change Inventorship under 37 CFR §1.48 since it has become apparent that all inventors named on the original 1992 filing should be named as inventors herein. Additionally, because of the amendments made to the claims (as submitted in the amendment mailed April 23, 2001), Applicants wish to submit their Supplemental Declaration supporting such new claims.

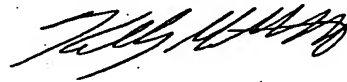
As explained in the accompanying Declaration of Daniel J. Hulseberg, one of the inventors needed to sign the Supplemental Declaration cannot be located or is being uncooperative. A copy of the application, Supplemental Declaration, and all other papers necessary for that inventor (Bryan Gore) to execute the Supplement Declaration were sent to Mr. Gore. Mr. Gore has not responded and it appears that Mr. Gore will not respond.

Certain of the cooperating inventors and representatives of their Assignee have made diligent efforts to obtain the signature of Mr. Gore. Proof of the diligent efforts, including documentary evidence of the attempts to reach Mr. Gore, is presented in the form of Declaration of Daniel J. Hulseberg accompanying this Petition.

The last address known with certainty for Mr. Gore is that shown on the original Declaration in this application. It is known to the Assignee that Mr. Gore had moved from this address, and that he had likely moved to the state of Florida. Mr. Hulseberg made a diligent effort to obtain an address for Mr. Gore in Florida, one possible address in Orlando was obtained, the materials necessary for Mr. Gore to review and sign the Supplemental Declarations were sent to this address in Florida. No response has been received.

In view of the above circumstances, it is respectfully requested that the accompanying Declaration be accepted in support of the above-referenced patent application.

Respectfully submitted,



Reg. No. 46,257

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BERNARD ANDREAS et al.

Application No.: 08/883,246

Filed: June 26, 1997

For: DEVICE AND METHOD FOR
SUTURING TISSUE

Examiner: JACKSON, G.

Art Unit: 3731

DECLARATION OF DANIEL J.
HULSEBERG

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Daniel J. Hulseberg, hereby declare as follows:

- 1) I am a patent attorney at Abbott Laboratories, parent company of PerClose, Inc., assignee of the above-referenced patent application.
- 2) The Assignee has made efforts to obtain a Supplemental Declaration to support the presently pending claims in the above-referenced patent application. As part of their efforts, I was asked to obtain the signature of Brian Gore on the Supplemental Declaration. Mr. Gore is one of the originally named inventors on this application.
- 3) I have made the following efforts to reach Mr. Gore. I learned from persons still at the Assignee that Mr. Gore had moved to Florida. Working with my assistant, Erica J. Frolich, we determined that a possible address for Mr. Gore was 6555 Whirlaway Circle, Orlando, Florida. A memorandum to me from Ms. Frolich outlining the nature of her search is attached hereto as Exhibit A.
- 4) Based on this address, we sent a letter to Mr. Gore including copies of the Supplemental Declaration, with the patent application, and the amended claims. A copy of the cover letter which was sent to Mr. Gore is attached hereto as Exhibit B. The end of the Exhibit B, copy of the Federal Express air bill is attached.
- 5) The package was delivered to Mr. Gore on April 3, 2001, as evidence by the Federal Express Track Shipments Summary Results attached as Exhibit C.

6) To date we have not received any response to our Federal Express delivery.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Reg. No.

36,554

EXHIBIT A



ABBOTT

INTEROFFICE CORRESPONDENCE

FROM: Erica J. Frolich
Dept.: D-377, Bldg. AP6D
Ext.: 5-4249 Fax: 8-2823
Date: April 26, 2001

To: Dan Hulseberg

Re: Brian G. Gore Search
Application No.: 08/883,246
Abbott Ref. No.: 6766.US.O1

The websites listed below were used to perform a search for Brian G. Gore's current address and phone number. Attached to this memo, please find a copy of the website search results.

<u>Website</u>	<u>Result</u>
USSearch.com (Instant People Search) http://www2.1800ussearch.com	Brian G. Gore's last four reported addresses found, the most recent address being 6555 Whirlaway Circle, Orlando, FL (reported in 2000).
yahoo.com (People Finder) http://people.yahoo.com	No phone or e-mail listing for Brian G. Gore found.
SuperPages.com (White Pages) http://wp.superpages.com/people.phtml	No phone or e-mail listing for Brian G. Gore found.
MSN.com (White Pages) http://www.infospace.com/info.msn	No phone or e-mail listing for Brian G. Gore found.

A call to the Ameritech operator (411) requesting the phone number for Brian Gore in Orlando, FL confirmed that the phone number is unlisted.

[Print Results](#)[Close Window](#)

Print or Save Results. Instant Search Results are NOT E-mailed.

Search Results - 4 Records Found

S.NO	Name		Street Address	City	State	Zip	Year Reported
1	GORE BRIAN G	M	11601 NW 18TH ST	HOLLYWOOD	FL	33026	1998
2	GORE BRIAN G	M	11931 PASTEUR DR	ORLANDO	FL	32826	
3	GORE BRIAN GUILFORD	M	1228 ANASTASIA AVE	MIAMI	FL	33134	1998
4	GORE BRIAN GUILFORD	M	6555 WHIRLAWAY CIR	ORLANDO	FL	32818	2000

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White Pages Email Listings



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Sorry, no matches were found.

➤ [Add your email address to the directory.](#)

➤ [Search for public records on US SEARCH.com](#)

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Refine Your Search

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Optional

Country:
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First Name:

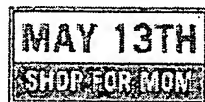
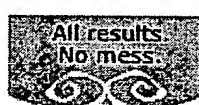
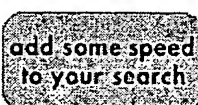
State/Prov.:
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Other Searches

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Protected by One or More of the Following Patents: U.S. Patent No. 6,016,504. Other Patents Pending.

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First Name Last Name [Click here to find Brian Gore.](#)

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YOU ARE HERE > [Home](#) > [My InfoSpace](#) > [White Pages](#) > [Phone & Address Search](#) > [Listings](#)

Listings

Searching for: **Brian Gore FL US**

Click a name for phone number, full address, map, directions and more!

Listings marked with an asterisk (*) are registered with InfoSpace.com

[\[previous \]](#)**Results 1 - 2 of 2**[\[next \]](#)**Gore, Brian**

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1-Click Sync™ to my contacts

NW 4th Ave, Chiefland, FL 32626

[Find out more about Brian Gore](#)[Find Brian Gore at ClassMates.com](#)[Make New Friends!](#)[update/remove](#)**Gore, Brian**

ADD TO ADDRESSBOOK

1-Click Sync™ to my contacts

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[Find out more about Brian Gore](#)[Find Brian Gore at ClassMates.com](#)[Make New Friends!](#)[update/remove](#)[\[previous \]](#)**Results 1 - 2 of 2**[\[next \]](#)Jump to #

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- ▶ [Post a Looking for Someone message](#)
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Refine Your Search

Last Name First Name/Initial City

State/Province

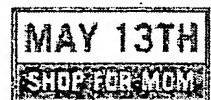
(required for US and Canada)

☐ Including Surrounding Region (U.S. Only)Country

(required)

Note: To search a country not listed above, see our list of

Related Links

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First Name

Last Name

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Sorry, no people match the phone search criteria you entered.
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- Check for correct spelling in all search fields including City and State abbreviation.
- Broaden your search by using fewer search fields.
- Use the wildcard character ("*"). For example typing "D*" as your first name search criteria will return people whose first names begin with "D".

It is also possible that the person you are looking for does not have a phone listing in Yahoo! People Search.

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Search 1000's of Public Databases with one click! Find Addresses, Property, Licenses, Court Records and much, much more...

First: Last: Street: City: State: Zip:

Submit



First Name

Last Name

[FIND ANYONE Right Now!](#)

Welcome, Guest User

Phone Search Results[Create My Listing](#) - [Sign In](#)**Find Anyone Now!** [Click Here](#)[People Locate](#) [Background Search](#)

Showing 1 - 2 of 2

[First](#) | [Previous](#) | [Next](#) | [Last](#)[Search Again](#)**Name** (click for details)**Address****Phone** (click to call)[Brian Gore](#)404 Nw 4th Ave
Chiefland, FL[\(352\)493-2419](#)[Want more information?](#)
[Get a "US Search"](#)[Brian Elise Gore](#)1147 Laguna Ln
Gulf Breeze, FL[\(850\)916-9540](#)[Want more information?](#)
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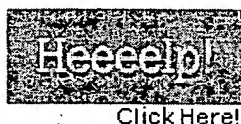
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Search Tips
Add a Listing

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Maps
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- Check the spelling of the name.
- Specify the name more generally. For example, omit the first name, or uncheck "Exact matches only," if it was checked.
- Try using the wild card character, *. For example, "r*d" will match "Reed," "Reid," and "Read" (among others).
- Widen your search area. For example, check "Include nearby areas" when searching in a City, or try a Nationwide search (leave City empty).



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U.S. PEOPLE PAGES

First Name:

Brian

Last Name: (required)

Gore

☐ Exact matches only.

City:

Orlando

State:

Florida

☒ Include nearby areas.



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Use the PeoplePages to:

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Related Sites:

EXHIBIT B



CHRON COPY

Patent and Trademark Department
D-377/AP6D
Abbott Laboratories
100 Abbott Park Road
Abbott Park, Illinois 60064-6050 USA

Telephone: 847-938-3888
Fax: 847-938-2623

April 2, 2001

VIA FEDERAL EXPRESS

Brian G. Gore
6555 Whirlaway Circle
Orlando, FL 32818

CONFIDENTIAL
ATTORNEY COMMUNICATION

Re: DEVICE AND METHOD FOR SUTURING TISSUE
Abbott Ref. No. 6776.US.C1; TTC Ref. No.: 15508-000150

Dear Mr. Gore:

Perclose, Inc., as a wholly-owned subsidiary of Abbott Laboratories, is continuing prosecution of certain aspects of a previously-filed patent application that names you as a joint inventor, along with Bernard Andreas, Michael Barrett, Mark Foley, Lewis Isbell, Ronald Songer and James Vetter. Particularly, a Continued Prosecution Application ("CPA") of the earlier patent application, which is referenced in the header above, has been filed with the U.S. Patent and Trademark Office. In order to claim priority to the filing date of the earliest related application that has been filed, however, it is now necessary to include Enrique Klein, T. Daniel Gross and Tomoaki Hinohara as named inventors. A new Supplemental Declaration, which includes all named inventors, therefore is required.

For your convenience and recollection, we have enclosed a copy of the previously-filed patent application. We also have enclosed two Supplemental Declaration forms to be signed by you. Please sign and date the enclosed documents in pen where indicated next to your name. Once signed, please return these documents to me using the enclosed Federal Express envelope. To ensure timely filing of this matter in the U.S. Patent and Trademark Office, please return the signed document no later than April 13, 2001.

In advance, thank you for your continued assistance with this matter. If you have any questions, please feel free to call me at my direct number, 847-938-3888.

With best regards,
ABBOTT LABORATORIES

Daniel J. Hulseberg
Patent Counsel

Enclosures

cc: James Heslin, Esq.

SUPPLEMENTAL DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **DEVICE AND METHOD FOR SUTURING TISSUE** the specification of which ____ is attached hereto or X was filed on June 26, 1997 as Application No. 08/883,246 and was amended on _____ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

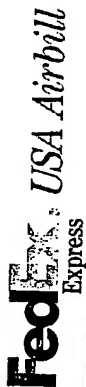
Application No.	Date of Filing	Status
07/989,611	12/10/1992	Issued as 5,417,699
08/252,124	06/01/1994	Issued as 5,613,974
08/259,410	06/14/1994	Issued as 5,779,719
08/824,031	03/26, 1997	Allowed 6,034,699

Full Name of Inventor 1:	Last Name: ANDREAS	First Name: BERNARD	Middle Name or Initial: H.
Residence & Citizenship:	City: Redwood City	State/Foreign Country: California	Country of Citizenship: United States
Post Office Address:	Post Office Address: 33168 Lake Superior Place	City: Redwood City	State/Country: California
			Postal Code: 94063

Full Name of Inventor 2:	Last Name: BARRETT	First Name: MICHAEL	Middle Name or Initial:	
Residence & Citizenship:	City: Campbell	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 677 Kenneth Avenue	City: Campbell	State/Country: California	Postal Code: 95008
Full Name of Inventor 3:	Last Name: FOLEY	First Name: MARK	Middle Name or Initial: J.	
Residence & Citizenship:	City: Menlo Park	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 1151 Hobart Street	City: Menlo Park	State/Country: California	Postal Code: 94304
Full Name of Inventor 4:	Last Name: GORE	First Name: BRIAN	Middle Name or Initial:	
Residence & Citizenship:	City: Orlando	State/Foreign Country: Florida	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 6555 Whirlaway Circle	City: Orlando	State/Country: Florida	Postal Code: 32818
Full Name of Inventor 5:	Last Name: ISBELL	First Name: LEWIS	Middle Name or Initial:	
Residence & Citizenship:	City: Union City	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 34800 Hollyhock Street	City: Union City	State/Country: California	Postal Code: 94587
Full Name of Inventor 6:	Last Name: SONGER	First Name: RONALD	Middle Name or Initial: W.	
Residence & Citizenship:	City: San Jose	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 3536 Pleasant Crest Drive	City: San Jose	State/Country: California	Postal Code: 95148
Full Name of Inventor 7:	Last Name: VETTER	First Name: JAMES	Middle Name or Initial: W.	
Residence & Citizenship:	City: Portola Valley	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 275 Willowbrook	City: Portola Valley	State/Country: California	Postal Code: 94028
Full Name of Inventor 8:	Last Name: KLEIN	First Name: ENRIQUE	Middle Name or Initial: J.	
Residence & Citizenship:	City: Los Altos	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 1686 Christina Drive	City: Los Altos	State/Country: California	Postal Code: 94024
Full Name of Inventor 9:	Last Name: GROSS	First Name: T. DANIEL	Middle Name or Initial:	
Residence & Citizenship:	City: Los Gatos	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 200 Kimble Avenue	City: Los Gatos	State/Country: California	Postal Code: 95032
Full Name of Inventor 2:	Last Name: HINOHARA	First Name: TOMOAKI	Middle Name or Initial:	
Residence & Citizenship:	City: Portola Valley	State/Foreign Country: California	Country of Citizenship: Japan	
Post Office Address:	Post Office Address: 40 Los Charros	City: Portola Valley	State/Country: California	Postal Code: 94028

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
<u>BERNARD H. ANDREAS</u>	<u>MICHAEL BARRETT</u>	<u>MARK J. FOLEY</u>
Date	Date	Date
Signature of Inventor 4	Signature of Inventor 5	Signature of Inventor 6
<u>BRIAN GORE</u>	<u>LEWIS ISBELL</u>	<u>RONALD W. SONGER</u>
Date	Date	Date
Signature of Inventor 7	Signature of Inventor 8	Signature of Inventor 9
<u>JAMES W. VETTER</u>	<u>ENRIQUE J. KLEIN</u>	<u>T. DANIEL GROSS</u>
Date	Date	Date
Signature of Inventor 10		
<u>TOMOAKI HINOHARA</u>		
Date		



USA Airbill

825306302529

1 From Please print and press hard.

Date 1-12-01 Sender's FedEx Account Number 1689-5818-8

Sender's Name Dan Hulseberg Phone (847) 937-6267

Company ABBOTT LABS D-377 AP6B

Address 100 ABBOTT PARK RD

City ABBOTT PARK State IL ZIP 60064

2 Your Internal Billing Reference CHAD 748810/0377

3 To Recipient's Name Brian C Gore Phone ()

Company

Address 6555 Whirlaway Circle

To "HOLD" at FedEx location, print FedEx address.

City Orlando State FL ZIP 32818

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☒ FedEx Standard Overnight
Next business morning
Next business afternoon
☐ FedEx 2Day
Second business day
☐ FedEx Express Saver
Third business day

Packages up to 150 lbs.
Delivery commitment may be later in some areas.
☐ FedEx First Overnight
Earliest next business morning
delivery to select locations

* FedEx Envelope/letter Rate not available
Minimum charge: One pound rate

4b Express Freight Service

☐ FedEx 1Day Freight
Next business day
☐ FedEx 2Day Freight
Second business day
☐ FedEx 3Day Freight
Third business day

Packages over 150 lbs.
Delivery commitment may be later in some areas.
Minimum charge: One pound rate

* Call for Confirmation

5 Packaging

☐ FedEx Envelope/Letter
☒ FedEx Pak
☐ Other Pkg.
Box, Tube, Mailer, and Customer Pkg.

* Declared value limit \$500

6 Special Handling

☐ SATURDAY Delivery
Available only for FedEx Priority
and FedEx 2Day
to select ZIP codes
☐ SUNDAY Delivery
Available only for FedEx Priority
and FedEx 2Day
to select ZIP codes
☐ RESTRICTIONS
Available only for FedEx Priority
and FedEx 2Day
to select ZIP codes
Does this shipment contain dangerous goods?
☒ No ☐ Yes
If Yes, attach
Shipper's Declaration
and label for
dangerous goods
Dangerous Goods cannot be shipped in FedEx packaging.
☐ Fragile
☐ High Value
☐ Perishable
☐ Live Animals
☐ Dry Ice
Dry Ice & UN 1845
☐ Cargo Aircraft Only

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at FedEx location
BUSINESS DAY
Available only for FedEx Priority
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to select locations

7 Payment

Bill to: ☒ Sender ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check
FedEx Acct. No. _____
Credit Card No. _____
Exp. Date _____

Total Packages _____ Total Weight _____ Total Declared Value \$ _____
FedEx Use Only

* Your liability is limited to \$100 unless you declare a higher value. See back for details.

8 Release Signature

By signing this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

402

EXHIBIT C



United States

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Track Shipments Summary Results

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FedEx Express

Tracking Number
825306302529

Successful Tracks

Status	Destination	Date/Time
Delivered	ORLANDO FL	04/03/2001 13:38

FedEx Express

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825306302448

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